

### REMARKS

Applicants have amended independent claims 15 and 27 to define the present invention with more specificity. Specifically, the foam component of the presently claimed invention are in the form of particles having an average particle size of from about 50 to about 4000 microns and the foam component comprises a matrix of polymeric material and an active ingredient. Support for this amendment is found at Claim 24. Claim 24 has been canceled accordingly. Claims 27 and 28 have been amended to delete the limitation of a plasticiser and Claim 31 has been amended to delete the limitation of perfume. Claims 19, 21, 22, 25, 26 and 31 have been amended for inadvertent, typographical and grammatical errors. Applicants have also added new claims 32-37 directed to specific active ingredients. Support for the new claims are found on page 14, lines 29-31, and claims 20 and 31.

No new matter has been added by this amendment. Entry is believed to be proper and respectfully requested.

Upon entry of this amendment, Claims 15-23 and 25-37 are pending. No additional claim fee is due.

### REJECTIONS & OBJECTIONS

#### Claim Rejections under 35 USC §103 over Albert, McDermott et al., Bastioli et al. or JP-B-48001500

The Examiner rejects Claims 15-31 under 35 USC 103(a) as being unpatentable over any one of Albert (US3,695,989), McDermott et al. (US 5,543,439), Bastioli (US 5,736,586) or JP-B-48001500 (herein after "JP '500"). The Examiner states that Albert discloses foam made of primarily polyvinyl alcohol which performs in the manner called for in the claims. The Examiner also states that Bastioli et al. discloses a foam composition containing primarily of water soluble polysaccharides and a plasticizer; JP '500 discloses a composition containing primarily of polyvinyl alcohol; and the foams of McDermott et al., made of primarily polyvinyl alcohol; therefore, these compositions/foams would also be stable in air and inherently unstable in water.

Section 706.02(j) of the MPEP lists three requirements for establishing a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations.

Applicants point out that the presently claimed invention is directed to a foam component, and a process of making the same, in the form of particles having an average particle size of from about 50 to about 4000 microns.

Albert discloses water-soluble foam plastic package in the form of films, which are made from a film casting process (see Col 3, lines 29-36). McDermott discloses fragrance-containing

polyvinyl alcohol material in the form of extruded blocks. JP '500 discloses compositions containing polyvinyl alcohol resin in the form of filaments, pellets, sheets, etc. Bastioli et al. discloses compositions containing polysaccharides, which are first extruded into foamable pellets, and upon foaming, they can be used as loose fillers for packaging (see Col. 5, line 66-Col. 6, line 16, and Col. 2, line 46).

Applicants submit that none of the references teaches or suggests foam particles in the claimed particle size range. Moreover, there is no motivation in the cited references to make such foam particles. Additionally, the processes of extrusion and/or film casting, as taught by the cited references, are not likely to successfully produce the claimed foam particles.

Based on the foregoing, Applicants respectfully submit that the cited references fail to establish a *prima facie* case of obviousness since they failed to meet all the requirements. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejections.

Claim Objections under 35 USC 112, Second Paragraph

The Examiner also rejects claims 15-31 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that the terms "plasticizer", "dissolution aid" and "active ingredient" are indefinite and so broad in that the terms read on the addition of one ingredient to the composition to satisfy the use of all three terms.

Applicants point out that the present claims include merely limitations directed to active ingredients and/or dissolution aids, which are clearly defined and are distinct (see pages 14-18; see also claims 20-21 and 31).

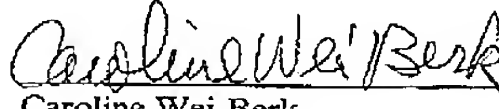
Therefore, Applicants respectfully request reconsideration and withdrawal of the objections.

CONCLUSION

Applicant believes the present amendment is fully responsive and places Claims 15-23 and 25-37 in condition for allowance.

In the event that issues remain prior to allowance of the noted claims, the Examiner is invited to call Applicant's undersigned attorney to discuss any remaining issues.

Respectfully Submitted,  
FOR: McGoff et al.

  
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